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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 STATE OF WASHINGTON, et al.,

10 Plaintiffs,

11 v.

12 Donald TRUMP, et al.,

13 Defendants.

Case No. 2:25-cv-00127-JCC

**[PROPOSED] ORDER GRANTING
INDIVIDUAL PLAINTIFFS'
MOTION FOR
CLASS CERTIFICATION**

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15 Upon consideration of Plaintiffs' Motion for Class Certification, the parties' briefing, and
16 oral argument, if any, this Court finds that Plaintiffs have [provisionally] satisfied the
17 requirements for class certification under Federal Rules of Civil Procedure 23(a) and (b)(2).
18 Specifically, Plaintiffs have demonstrated that (1) members of the proposed class are so
19 numerous that joinder is impracticable; (2) there are questions of law and fact common to the
20 class; (3) the claims of the Plaintiffs are typical of the claims of the class members; and that (4)
21 Plaintiffs and their counsel, as representatives of the class, will fairly and adequately protect the
22 interests of the class. Additionally, this Court finds that Defendants have acted on grounds
23 generally applicable to the class in its entirety, thereby making appropriate final injunctive and
declaratory relief for all class members.

Plaintiffs seek preliminary injunctive relief for themselves and for putative class members. Because temporary injunctive relief cannot be granted to a class before an order has been entered determining that class treatment is proper, *see Nat'l Ctr. for Immigrants Rights, Inc. v. INS*, 743 F.2d 1365, 1371 (9th Cir. 1984); *Davis v. Romney*, 490 F.2d 1360, 1366 (3d Cir. 1974), Plaintiffs also request provisional class certification to allow the Court to provide the preliminary injunctive relief required to protect the status quo and to prevent irreparable harm to putative class members. "Courts in the Ninth Circuit routinely grant provisional class certification for purposes of entering injunctive relief." *Maney v. Brown*, 516 F. Supp. 3d 1161, 1171 (D. Or. 2021) (citation omitted). In entering such a provisional order, the Court's "analysis [regarding satisfaction of the requirements for provisional class certification] is tempered . . . by the understanding that such certifications 'may be altered or amended before the decision on the merits.'" *Damus v. Nielsen*, 313 F. Supp. 3d 317, 329 (D.D.C. 2018) (quoting *Bame v. Dillard*, No. 05-1833, 2008 WL 2168393, at *5 (D.D.C. May 22, 2008)).

In light of the above, this Court orders that Plaintiffs' motion be granted and that the following class be [provisionally] certified:

All pregnant persons residing in Washington State who will give birth in the United States on or after February 19, 2025, where neither parent of the expected child is a U.S. citizen or lawful permanent resident at the time of the child's birth; and,

all children residing in Washington State who are born in the United States on or after February 19, 2025, where neither of their parents is a U.S. citizen or lawful permanent resident at the time of the child's birth.

The Court further appoints undersigned counsel to serve as counsel for the certified class.

Dated this _____ day of _____ 2025.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Matt Adams

Matt Adams, WSBA No. 28287
matt@nwirp.org

s/ Leila Kang

Leila Kang, WSBA No. 48048
leila@nwirp.org

s/ Glenda M. Aldana Madrid

Glenda M. Aldana Madrid, WSBA No. 46987
glenda@nwirp.org

s/ Aaron Korthuis

Aaron Korthuis, WSBA No. 53974
aaron@nwirp.org

NORTHWEST IMMIGRANT
RIGHTS PROJECT
615 Second Ave., Suite 400
Seattle, WA 98104
(206) 957-8611

*Counsel for Individual Plaintiffs and Putative
Class Members*